

REMARKS

Claims 1-16 are currently pending in the application. Claim 9 is withdrawn. Claim 8 is amended. The amendments find support in the specification and are discussed in the relevant sections below. No new matter is added.

Rejection of Claim 8 Under 35 U.S.C. §112, First Paragraph

The Office Action states that claim 8 is rejected under 35 U.S.C. §112, first paragraph, on the grounds that it fails to comply with the written description requirement. In particular, the Office Action objects to the recited limitation that the second amino acid sequence comprise at least five contiguous amino acids of a naturally occurring GM-CSF. The Office Action states that this limitation is directed at a genus, and further states that Applicants fail to provide adequate written description of the genus by providing sufficient description of a representative number of species.

While Applicants traverse the rejection, solely for the purpose of expediting the prosecution of the instant application, and without acquiescing to the rejection or surrendering rights to pursue the subject matter of claim 8 or any related claim in a continuing application, Applicants have amended claim 8 to delete reference to “at least five contiguous amino acids.” Applicants accordingly request that the rejection be reconsidered and withdrawn.

Double Patenting

The Office Action states that the instant claims are rejected under the judicially created doctrine of obviousness type double patenting in view of several co-pending applications. Applicants have filed a terminal disclaimer herewith effective to obviate the double patenting rejection.

Applicants submit that all claims are allowable as written and respectfully request early favorable action by the Examiner. If the Examiner believes that a telephone conversation with Applicants' attorney/agent would expedite prosecution of this application, the Examiner is cordially invited to call the undersigned attorney/agent of record.

Respectfully submitted,

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